



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,997	10/13/2005	Kohsuke Harada	1560-0442PUS1	5844
2292 7590 01/09/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
SARPONG, AKWASI				
ART UNIT		PAPER NUMBER		
2625				
NOTIFICATION DATE		DELIVERY MODE		
01/09/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/552,997

Applicant(s)

HARADA ET AL.

Examiner

AKWASI M. SARPONG

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- Paper No(s)/Mail Date 10/13/2005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 12-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fertlisch (20040061890) in view of Nakamura (5970219) .

Claim 12, Ferlitsch discloses an image processing system (**fig. 2 shows an image processing system**),

comprising an image processing apparatus (**Computer device shown in Fig. 2 as client 40**).

reads image data of an original and converts thus read image data into a file format which is determined from among plural file formats. (**Section 0056- thus the initiated print job is preprocessed or converted into a printer ready data- thus a file or data that can be understood by or compatible with the printer and the languages or file formats can be TIFF or PCL**).

(**Section 0066 and 0067: NB thus after the user has initiated a print job, the user also includes some commands to the print job which can include finishing, rendering and Collation, it is combined with the actual image data to form a meta file or data which can be in either TIFF or PDL**

Art Unit: 2625

file format as it is clearly discussed in Section 0063 and shown in Fig. 6, step 142) and

an image receiving apparatus (**Server 60 shown in Fig. 2)** which receives from said image processing apparatus the image data converted into the file format thus determined, **(Section 0067- thus after it has been determined that the converted file (despooled file) is in the appropriate file format (which can be TIFF or PDL))** and when the image processing command is added to the image data thus received, performs upon thus received image data an image processing which corresponds to the image processing command thus added.

(Section 0059- thus the inputted information by the user such as print quality, paper size, etc are combined to the image data and the print job is rendered or processed in accordance with such information)

(Section 0029, NB: Understand that when the user selects the capabilities of the print job, the print job is printed according to the print capability information inputted by the user)

wherein said image processing apparatus comprises:

a storage unit (**Memory 16 shown in fig. 1)** which stores a file format **(Section 0064- PDF, TIFF and PCL are all examples of File formats that can be used)** which permits addition of the image processing command to the read image data **(Section 0066- thus the combined despooled data which comprises of the print commands and the image data in an appropriate file format is stored in the memory 16)** and

Art Unit: 2625

a judging unit (**Server 69 shown in Fig. 2**) which judges whether the file format thus determined is stored in said storage unit, **(Section 0064, thus before the converted image can be spooled for rendering or printing the file has to be in memory 16 and therefore the file existed in memory for the commands or instruction to be compiled or put together)** and

when said judging unit judges that the file format thus determined is stored in said storage unit, addition by said adding unit of the image processing command to the read image data is permitted. **(Section 0067, thus when the file format exist then it is concluded that the despoiled print job is complete, in other words the appropriate file format has to be in memory for the print job file to be complete as it is clearly disclose in section)**.

Ferlitsch does not disclose that the image processing device comprises an adding unit which adds an image processing command to image data.

Nakamura discloses an image processing device **(Fig. 4 El. 62-thus the image-integrating applications program-based data processing unit)** which comprises an adding unit **(Combining unit 66 shown in Fig. 4)** which adds an image processing command to image data **(Col. 6 Lines 29-35-thus the combining unit 66 combines the two separate image data to form just one image data)**. Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made, to modify Ferlitsch's image processing device shown in Fig. 2 to include Nakamura's combining unit 66 so that image data sent

Art Unit: 2625

to the printer for printing will be just one page image data instead of two separate image data which will consume more time and use up more memory space.

NB: Col. 6 Lines 10-34, Fig. 3 EI. S21 and S22, Understand that the commands set by the user is processed by image data processing unit 62 which is done in step S21 as clearly shown in Fig. 3 EI. S21 while the actual image data is processed by image data processing unit 64, therefore the combining unit adds the two image data together to form one image data.

Claim 13, Ferlitsch discloses an image processing apparatus (Ferlitsch: fig. 2 shows an image processing system),

reads image data of an original and converts thus read image data into a file format which is determined from among plural file formats, (Ferlitsch: Section 0056- thus the initiated print job is preprocessed or converted into a printer ready data- thus a file or data that can be understood by or compatible with the printer and the languages or file formats can be TIFF or PCL).

(Ferlitsch: Section 0066 and 0067: NB thus after the user has initiated a print job, the user also includes some commands to the print job which can include finishing, rendering and Collation, it is combined with the actual image data to form a meta file or data which can be in either TIFF or PDL file format as it is clearly discussed in Section 0063 and shown in Fig. 6, step 142)

said image processing apparatus comprising:

Art Unit: 2625

a storage unit (**Ferlitsch: Memory 16 shown in fig. 1**) which stores a file format (**Section 0064- PDF, TIFF and PCL are all examples of File formats that can be used**) which permits addition of the image processing command to the read image data (**Ferlitsch: Section 0066-thus the combined despoiled data which comprises of the print commands and the image data in an appropriate file format is stored in the memory 16**) and

a judging unit (**Ferlitsch: Server 69 shown in Fig. 2**) which judges whether the file format thus determined is stored in said storage unit (**Ferlitsch: Section 0064, thus before the converted image can be spooled for rendering or printing the file has to be in memory 16 and therefore the file existed in memory for the commands or instruction to be compiled or put together**)

wherein when said judging unit judges that the file format thus determined is stored in said storage unit, addition by said adding unit of the image processing command to the read image data is permitted. (**Ferlitsch: Section 0067, thus when the file format exist then it is concluded that the despoiled print job is complete, in other words the appropriate file format has to be in memory for the print job to be complete**).

Ferlitsch does not disclose that the image processing device comprises an adding unit which adds an image processing command to image data.

Nakamura discloses an image processing device (**Fig. 4 El. 62-thus the image-integrating applications program-based data processing unit**) which

Art Unit: 2625

comprises an adding unit **(Combining unit 66 shown in Fig. 4)** which adds an image processing command to image data **(Col. 6 Lines 29-35-thus the combining unit 66 combines the two separate image data to form just one image data)**. Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made, to modify Ferlitsch's image processing device shown in Fig. 2 to include Nakamura's combining unit 66 so that image data sent to the printer for printing will be just one page image data instead of two separate image data which will consume more time and use up more memory space.

NB: Col. 6 Lines 10-34, Fig. 3 El. S21 and S22, Understand that the commands set by the user is processed by image data processing unit 62 which is done in step S21 as clearly shown in Fig. 3 El. S21 while the actual image data is processed by image data processing unit 64, therefore the combining unit adds the two image data together to form one image data.

Claim 14, Ferlitsch in view of Nakamura discloses an image processing apparatus wherein the file format which permits addition of the image processing command to the read image data is PDF (Portable Document Format) **(Ferlitsch: Section 0064, thus it states clearly that some of the files format available is PDF).**

Art Unit: 2625

Claim 15, Ferlitsch in view of Nakamura discloses an image processing apparatus **(Ferlitsch: Computer device shown in Fig. 2 as client 40)** that further comprising a determining unit which determines, in accordance with a load condition, whether to add the image processing command to the read image data, **(Ferlitsch: Section 0065- thus the print processor makes the determination as whether there is an input commands from the user and if there is none then the decision is made as there is no command to be added and if there is one then it is checked to see if it is complete)** wherein when said determining unit determines to add the image processing command, said judging unit judges whether the file format thus determined is stored in said storage unit. **((Ferlitsch: Section 0028, Fig. 2 El. 49, thus the print processor makes the determination of which print job matches the printer with the appropriate driver to be able to make the conversion and therefore makes the judgment)**

Claim 16, Ferlitsch in view of Nakamura discloses an image processing apparatus that further comprising a sending unit which sends the image data converted into the file format thus determined. **(Ferlitsch: Section 0004, thus the spooled data is send to the appropriate printer to be converted to the file format (i.e. TIFF or PDF to mention few of them)).**

Art Unit: 2625

Claim 17, Ferlitsch in view of Nakamura discloses an image processing apparatus wherein the file format which permits addition of the image processing command to the read image data is a file format in which a destination of the image data can execute the image processing command. **(Ferlitsch: Section 0004, hence the appropriate print device is the destination of the print job and that contains the determined file format which can be either PDF or TIFF)**

Claim 18, Ferlitsch in view of Nakamura discloses an image processing apparatus wherein the file format which permits addition of the image processing command to the read image data is PDF (Portable Document Format). **(Ferlitsch: Section 0064, thus it states clearly that some of the files format available is PDF).**

Claim 19, Ferlitsch in view of Nakamura discloses an image processing apparatus that further comprising a determining unit which determines in accordance with a load condition, whether to add the image processing command to the read image data, wherein when said determining unit determines to add the image processing command, said judging unit judges whether the file format thus determined is stored in said storage unit. **(Ferlitsch: Section 0028, Fig. 2 El. 49, thus the print processor makes the determination of which print job**

Art Unit: 2625

matches the printer with the appropriate driver to be able to make the conversion and therefore makes the judgment)

Claim 20, Ferlitsch in view of Nakamura discloses wherein said sending unit sends an electronic mail to which the image data converted into the file format thus determined is attached. **(Ferlitsch: Section 0057, thus file format and the print data is transmitted through a text file and therefore the communication are established in a mail form which is sent electronically).**

Claim 21, Ferlitsch in view of Nakamura discloses wherein the file format which permits addition of the image processing command to the read image data is a file format in which a destination of the image data can execute the image processing command. **(Ferlitsch: Section 0004, hence the appropriate print device is the destination of the print job and that contains the determined file format which can be either PDF or TIFF)**

Claim 22, Ferlitsch in view of Nakamura discloses wherein the file format which permits addition of the image processing command to the read image data is PDF (Portable Document Format). **(Ferlitsch: Section 0064, thus it states clearly that some of the file formats available is PDF).**

Claim 23, Ferlitsch in view of Nakamura discloses an image processing apparatus (**Ferlitsch: Computer device shown in Fig. 2 as client 40**) that further comprising a determining unit which determines, in accordance with a load condition, whether to add the image processing command to the read image data, (**Ferlitsch: Section 0065- thus the print processor makes the determination as whether there is an input commands from the user and if there is none then the decision is made as there is no command to be added and if there is one then it is checked to see if it is complete**) wherein when said determining unit determines to add the image processing command, said judging unit judges whether the file format thus determined is stored in said storage unit. (**Ferlitsch: Section 0028, Fig. 2 El. 49, thus the print processor makes the determination of which print job matches the printer with the appropriate driver to be able to make the conversion and therefore makes the judgment**).

Claim 24, Ferlitsch discloses an image processing apparatus (**fig. 2 shows an image processing system**),

reads image data of an original and converts thus read image data into a file format which is determined from among plural file formats, . (**Section 0056- thus the initiated print job is preprocessed or converted into a printer ready data- thus a file or data that can be understood by or compatible with the printer and the languages or file formats can be TIFF or PCL**).

(Section 0066 and 0067: NB thus after the user has initiated a print job, the user also includes some commands to the print job which can include finishing, rendering and Collation, it is combined with the actual image data to form a meta file or data which can be in either TIFF or PDL file format as it is clearly discussed in Section 0063 and shown in Fig. 6, step 142) and

said image processing apparatus comprising:

a storage unit **(Memory 16 shown in fig. 1)** which stores a file format **(Section 0064- PDF, TIFF and PCL are all examples of File formats that can be used)** which prohibits addition of the image processing command to the read image data **(Section 0066-thus the combined despoiled data which comprises of the print commands and the image data in an appropriate file format is stored in the memory 16)** and

a judging unit **(Server 69 shown in Fig. 2)** which judges whether the file format thus determined is stored in said storage unit, **(Section 0064, thus before the converted image can be spooled for rendering or printing the file has to be in memory 16 and therefore the file existed in memory for the commands or instruction to be compiled or put together)**

wherein when said judging unit judges that the file format thus determined is stored in said storage unit, addition by said adding unit of the image processing command to the read image data is prohibited. **(Section 0067, thus when the file format exist then it is concluded that the despoiled print job**

Art Unit: 2625

is complete, in other words the appropriate file format has to be in memory for the print job to be complete).

Ferlitsch does not disclose that the image processing device comprises an adding unit which adds an image processing command to image data.

Nakamura discloses an image processing device (**Fig. 4 El. 62-thus the image-integrating applications program-based data processing unit**) which comprises an adding unit (**Combining unit 66 shown in Fig. 4**) which adds an image processing command to image data (**Col. 6 Lines 29-35-thus the combining unit 66 combines the two separate image data to form just one image data**). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made, to modify Ferlitsch's image processing device shown in Fig. 2 to include Nakamura's combining unit 66 so that image data sent to the printer for printing will be just one page image data instead of two separate image data which will consume more time and use up more memory space.

NB: Col. 6 Lines 10-34, Fig. 3 El. S21 and S22, Understand that the commands set by the user is processed by image data processing unit 62 which is done in step S21 as clearly shown in Fig. 3 El. S21 while the actual image data is processed by image data processing unit 64, therefore the combining unit adds the two image data together to form one image data.

Claim 25, Ferlitsch in view of Nakamura discloses wherein the file format which prohibits addition of the image processing command to the read image data is TIFF (Tagged Image File Format). **(Ferlitsch: Section 0064, thus it states clearly that some of the files format available is TIFF).**

Claim 26, Ferlitsch discloses an imaged processing apparatus, **(Computer device shown in Fig. 2 as client 40)**
and a controller which performs image processing control including control of said adding unit, **(Fig. 2 El. 69, print processor-69-shows a print processor which is for controlling all the sections in the print system)**

reads image data of an original and converts thus read image data into a file format which is determined from among plural file formats, **(Section 0056- thus the initiated print job is preprocessed or converted into a printer ready data- thus a file or data that can be understood by or compatible with the printer and the languages or file formats can be TIFF or PCL).**

(Section 0066 and 0067: NB thus after the user has initiated a print job, the user also includes some commands to the print job which can include finishing, rendering and Collation, it is combined with the actual image data to form a meta file or data which can be in either TIFF or PDL

Art Unit: 2625

file format as it is clearly discussed in Section 0063 and shown in Fig. 6, step 142)

said image processing method comprising steps of:

disposing to said image processing apparatus a storage unit which stores a file format which permits addition of the image processing command to the image data, making said controller judge whether the file format thus determined is stored in said storage unit; **(Fig. 1, El 26 shows clearly a mass storage device used for storing data and the print processor which is within the printing apparatus, hence the software or programs stored in the mass storage is matched by the print processor to find the appropriate print device) and**

making said controller permit addition by said adding unit of the image processing command to the read image data, when it is judged that the file format thus determined is stored in said storage unit. **(Section 0013, thus the print processor makes the matching decision as to which print job matches which printer and adds the optional capabilities to the print job and then eventually spooled to the printer).**

Ferlitsch does not disclose that the image processing device comprises an adding unit which adds an image processing command to image data.

Nakamura discloses an image processing device **(Fig. 4 El. 62-thus the image-integrating applications program-based data processing unit)** which comprises an adding unit **(Combining unit 66 shown in Fig. 4)** which adds an

Art Unit: 2625

image processing command to image data (**Col. 6 Lines 29-35-thus the combining unit 66 combines the two separate image data to form just one image data**). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made, to modify Ferlitsch's image processing device shown in Fig. 2 to include Nakamura's combining unit 66 so that image data sent to the printer for printing will be just one page image data instead of two separate image data which will consume more time and use up more memory space.

NB: Col. 6 Lines 10-34, Fig. 3 El. S21 and S22, Understand that the commands set by the user is processed by image data processing unit 62 which is done in step S21 as clearly shown in Fig. 3 El. S21 while the actual image data is processed by image data processing unit 64, therefore the combining unit adds the two image data together to form one image data.

Claim 27, Ferlitsch discloses an image processing method according to which an image processing apparatus, which comprises an adding unit which adds an image processing command to image data (**Section: 0004 and 0005 thus when the user initiates the print job, the print instruction is added to the print data and together they are spooled or read into the appropriate printer for processing and also when the print options are added they are**

Art Unit: 2625

also added to the print data as well and therefore Ferlitsch clearly discloses an adding unit which adds all these instructions to the print data for further process) said image processing method comprising steps of:

disposing to said image processing apparatus a storage unit which stores a file format which prohibits addition of the image processing command to the image data; making said controller judge whether the file format thus determined is stored in said storage unit; **(Fig. 1, El 26 shows clearly a mass storage device used for storing data and the print processor which is within the printing apparatus, hence the software or programs stored in the mass storage is matched by the print processor to find the appropriate print device)and**

making said controller prohibit addition by said adding unit of the image processing command to the read image data, when it is judged that the file format thus determined is stored in said storage unit. **(Section 0013, thus the print processor makes the matching decision as to which print job matches which printer and adds the optional capabilities to the print job and then eventually spooled to the printer).**

Ferlitsch does not disclose a controller which performs image processing control including control of said adding unit, reads image data of an original and converts thus read image data into a file format which is determined from among plural file formats,

Nakamura discloses an image processing device **(Fig. 4 El. 62-thus the image-integrating applications program-based data processing unit)** which

Art Unit: 2625

comprises an adding unit (**Combining unit 66 shown in Fig. 4**) which adds an image processing command to image data (**Col. 6 Lines 29-35-thus the combining unit 66 combines the two separate image data to form just one image data**). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made, to modify Ferlitsch's image processing device shown in Fig. 2 to include Nakamura's combining unit 66 so that image data sent to the printer for printing will be just one page image data instead of two separate image data which will consume more time and use up more memory space.

NB: Col. 6 Lines 10-34, Fig. 3 El. S21 and S22, Understand that the commands set by the user is processed by image data processing unit 62 which is done in step S21 as clearly shown in Fig. 3 El. S21 while the actual image data is processed by image data processing unit 64, therefore the combining unit adds the two image data together to form one image data.

Response to Amendment

1. Applicant's arguments with respect to claims 12-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AKWASI M. SARPONG whose telephone number is (571)270-3438. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625
AMS
08/02/2008

